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Central Intelligence Agency

Washington, D.C. 20505

16 April 1986
OCA 86-1237

Mr. James M. Frey
Assistant Director for Legislative
Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

I write in response to your request for comments on the "Omnibus Diplomatic Security and Anti-Terrorism Act," H.R. 4151, as passed by the House of Representatives on March 18, 1986.

By letter dated March 12, 1986, I provided you with the Agency's comments on the bill as reported out by the House Foreign Affairs Committee. In the letter, the Agency strongly objected to various provisions in that version of the legislation. I am pleased to say that some of the Agency's objections were addressed in the version of the legislation which ultimately passed the House. Unfortunately, several remain. The Agency believes these are best remedied by adoption of an Administration position which seeks to press the Senate Foreign Relations Committee to use as its starting point S. 2015, the Administration's original legislative proposal on diplomatic security, not H.R. 4151 as passed by the House. STAT

Without detracting in any way from the above, however, we are also providing section-by-section comments on the House passed bill as follows: STAT

Diplomatic Security Provisions - Titles I - IV

We agree in principle with a number of provisions in the diplomatic security portion of the bill. Moreover, we applaud the work of the "Inman Commission" and its report on overseas security. STAT STAT

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"Terrorism" Provisions

Section 501 of the bill would create a "most wanted" list of international terrorists. The Agency believes that the public creation of such a list would be counterproductive. Rather than discouraging acts of terrorism, it would encourage them by stimulating those who, by their commission of such acts, hoped to gain a place on the list and thus obtain further notoriety. Therefore, the Agency opposes Section 501.

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In its report on Section 504 of the bill (House Report No. 99-494, p. 23), the House Foreign Affairs Committee indicated that Section 504 was not intended to undo these modifications. The Agency, of course, would seek to preserve this understanding if it appears that Section 504 of the bill is likely to be enacted into law. Nonetheless, Section 502 of the International Security Development Cooperation Act of 1985 remains basically objectionable and Section 504 of the bill, as an expansion thereof, is also objectionable. Therefore, as the Senate presents an opportunity for these concerns to be raised again, the Agency recommends that Section 504 of the bill be opposed in the Senate.

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Section 704, "Protection of Americans Endangered by the Appearance of Their Place of Birth on Their Passports," is a "direction" from the Congress to the President to enter into international negotiations to obtain general agreement to the deletion of "place of birth" as a required item of information on passports. The Agency understands that the United States has already entered into informal discussions with various nations on the underlying problem. The problem is better handled, the Agency believes, through a continuation of this effort (with prior Executive Branch coordination of the United States Government position in such negotiations) rather than through legislation. Enshrining the effort into statute is unnecessary and detracts from the flexibility needed in such negotiations. Further, it is potentially contrary to the goals of the immediately preceding section (Section 703) which seeks to encourage negotiations on the sharing of passport and visa information to combat terrorism. Therefore, the Agency opposes Section 704.

Victims of Terrorism Compensation
Title VIII

We strongly support Title VIII of the bill which provides compensation to victims of terrorism. It is legislation that is long overdue. We have one recommendation that would broaden the coverage of the bill to include a deserving category. In addition to those persons now specified as captives (see Section 802 (a)), there should be an additional category of "any family

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member who is seized because he or she is the family member of a U.S. Government employee." Family members of a civil servant are frequently easier targets for abduction than the civil servant.

Thank you for the opportunity to comment on this important legislative item.

Sincerely,

STAT

David D. Gries
Director of Congressional Affairs

cc: Craig Coy, National Security Council
Carey Copeland, Department of Justice
Mark Johnson, Department of State
Lynn Sachs, National Security Council
David Grimes, National Security Council
Ted Hess, Department of Defense

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